

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 09C024
)	
TIM WELBY, Candidate)	
)	
And)	
)	
TIM WELBY FOR ALDERMAN, Committee)	
)	
Respondents.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE
THE MISSOURI ETHICS COMMISSION, AND CONSENT ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS
OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, Tim Welby and Tim Welby for Alderman acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondents proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondents; the right to present evidence on Respondents' own behalf at the hearing; and the right to a decision upon the record of

the hearing. Being aware of these rights provided to the Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearings before the Missouri Ethics Commission, and Consent order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law which would be introduced if a hearing was held in this case as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission ("the Commission") is an agency of the State of Missouri established pursuant to § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent, Tim Welby was a candidate for Alderman for the City of Town & Country in the April 7, 2009 election.

3. Respondent, Welby for Alderman Committee is a candidate committee registered with the St. Louis County Board of Elections. On March 18, 2009, Respondents filed an amended statement of committee organization in support of Respondent Welby's candidacy in the April 7, 2009 election.

4. Pursuant to § 130.026.2 (4), RSMo 2000, the local election authority is the appropriate officer designated to receive statement of committee of organization and campaign finance reports for Committee.

5. A complaint was filed with Petitioner on March 2, 2009.

6. On March 9, 2009, Respondents filed the following limited activity statements with the St. Louis County Board of Elections (8 reports): July 2007 Quarterly Disclosure Report, originally due July 15, 2007; an October 2007 Quarterly Disclosure Report, originally due October 15, 2007; a January 2008 Quarterly Disclosure Report, originally due January 15, 2008; a 40 Day Before 2008 Election Report, originally due February 14, 2008; an April 2008 Quarterly Disclosure Report, originally due April 14, 2008; a July 2008 Quarterly Disclosure Report, originally due July 15, 2008; on October 2008 Quarterly Disclosure Report, originally due October 15, 2008; and a 40 Day Before 2009 Election Report, originally due February 26, 2009.

7. On March 9, 2009, Respondents filed the following two (2) campaign finance disclosure reports: 8 Day Before Election 2008 Report, originally due March 31, 2008; and, 30 Day After Election 2008 Report, originally due May 8, 2008.

8. Pursuant to § 105.961.1, RSMo, a special investigator has conducted an investigation and reported findings to the Commission.

JOINT PROPOSED CONCLUSIONS OF LAW

1. According to § 130.046. 1, RSMo,

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any

candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

2. There is probable cause to believe Respondents violated § 130.046.1, RSMo, by failing to file timely 10 campaign finance disclosure reports as provided in paragraphs 7 and 8 of this complaint.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A

a. Respondents agree that they will comply with all relevant sections of Chapter 130, RSMo.

b. It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondents Tim Welby and Tim Welby for Alderman in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondents pay \$ 100.00 of that fee within forty- five (45) days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

If Respondents Tim Welby and Tim Welby for Alderman have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo 2000, during the two year stay then Respondents will not be required to pay this fee.

If, however, any Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo 2000, during this two year stay, Respondents will be required to pay the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding Respondent guilty of such a violation.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above-styled action.

4. Respondent, together with his heirs and assigns, and his attorney, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and

its attorney of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, a claim for attorney's fees whatsoever which respondent and their attorneys now have or which they may hereafter have, which is based upon or arises out of the above-styled case.

RESPONDENT

PETITIONER

By: FWelby 11/1/09
Tim Welby Date

By: Julie A. Allen 11/4/09
Julie A. Allen Date
Executive Director

By: FWelby for Alderman 11/1/09
Tim Welby for Alderman Date

By: Elizabeth L. Ziegler 11/4/09
Elizabeth L. Ziegler Date
General Counsel
Missouri Ethics Commission
Missouri Bar No. 35493

3411-A Knipp Drive
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Jefferson City, MO 65102
Telephone: (573) 751-2020
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Attorney for Petitioner

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
NOV 06 2009
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)	
)	
Petitioner,)	
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v.)	No. 09C024
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TIM WELBY, Candidate, and)	
TIM WELBY FOR ALDERMAN, Committee)	
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Respondents.)	

CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearings before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that the Respondents Tim Welby and Tim Welby for Alderman violated § 130.046.1, RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

a. Respondents agree that they will comply with all relevant sections of Chapter 130, RSMo.;

b. It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondents Tim Welby and Tim Welby for Alderman in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondents pay \$100.00 of that fee within forty- five (45) days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

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If, however, any Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo 2000, during this two year stay, Respondents will be required to pay the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding Respondent guilty of such a violation.

SO ORDERED this 4th day of November 2009.

By: 
Chairman